

**TOWN OF DAVIE
REGULAR MEETING
JANUARY 21, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance, led by Boy Scout Troop 317.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, and Councilmembers Crowley and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Hubert was absent.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to excuse Councilmember Hubert. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

Mayor Truex advised that the petitioner had requested item 3.12 be tabled until February 4, 2004.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

Mayor Truex advised that staff had requested that item 5.7 be tabled until February 18, 2004.

Councilmember Paul made a motion, seconded by Councilmember Crowley to table. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

Mayor Truex advised that staff had requested that item 3.21 be added to the Consent Agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add item 3.21. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

3. APPROVAL OF CONSENT AGENDA

Minutes

3.1. November 14, 2003 (Workshop)

3.2. November 20, 2003 (Workshop)

Parade Permits

3.3. Seminole Tribe Festival (February 14, 2004)

3.4. Orange Blossom Parade (February 28, 2004)

Home Occupational Licenses

3.5. Embellishments & Design, Inc., 3829 Gulfstream Way

3.6. Quantum Solutions, LLC, 901 SW 121 Avenue

3.7. Washburn Appraisals, 13121 SW 30 Court

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Resolutions

- 3.8. **WITHDRAWN BY STAFF**
PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT KNOWN AS WOODBRIDGE RANCHES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-2-02, Woodbridge Ranches, Pulice Land Surveyors, Inc./Southern Homes of Davie III, 1750 SW 136 Avenue) (tabled from November 5, 2003) *Planning and Zoning Board recommended denial*
- R-2004-013 3.9. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN FOR ARCHITECTURAL SERVICES FOR THE FIRE STATION AT OAKES ROAD. (\$138,895)
- R-2004-014 3.10. **CRA BUDGET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE CRA BUDGET. (\$936,522.88)
- R-2004-015 3.11. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PLAT KNOWN AS Z.A.S. AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P-4-2-02, Indian Ridge Commerce Center, 10220 SW 101 Road) *Planning and Zoning Board recommended approval*
- 3.12. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PLAT KNOWN AS MCDONOUGH PROPERTY AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-1-01 McDonough Property, 4300 SW 59 Avenue)
- R-2004-016 3.13. **RESTRICTIVE NOTE AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "Y.A.F. PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 12-5-03, Town of Davie Oakes Road Fire Station, 4491 Oakes Road)
- R-2004-017 3.14. **PROPOSED EDUCATION PROJECT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE JUNIOR ACHIEVEMENT'S PROPOSED EDUCATION PROJECT IN THE TOWN OF DAVIE, FLORIDA.

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- 3.15. **LETTER OF UNDERSTANDING - A RESOLUTION OF THE TOWN OF**
R-2004-018 DAVIE, FLORIDA, RATIFYING THE LETTER OF UNDERSTANDING BETWEEN THE TOWN OF DAVIE AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2315, REGARDING PROMOTIONAL SELECTION PROCESSES AND THE ANNOUNCEMENT THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.16. **LOCAL MITIGATION STRATGEY - A RESOLUTION OF THE TOWN OF**
R-2004-019 DAVIE, FLORIDA, ADOPTING THE LOCAL MITIGATION STRATEGY ADOPTED BY BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.17. **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2004-020 FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE AMENDMENT, ASSIGNMENT, DELEGATION, AND RELEASE AGREEMENT WITH BROWARD COUNTY AND KENNETH C. JENNE, II, SHERIFF OF BROWARD COUNTY TO PROVIDE FOR DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES IN THE PINE ISLAND RIDGE AREA; PROVIDING FOR TERMINATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Site Plans

- 3.18. SP 10-1-02, Sharon Gardens/Rancho Alegre, 2801 SW 148 Avenue (A-1) (tabled from January 7, 2004) *Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site*
- 3.19. MSP 2-1-03, Indian Ridge Commerce Center, 10220 SW 101 Road (B-3) *Site Plan Committee recommended approval subject to the homeowner's association documents being provided to staff in order to review common maintenance and shared parking*

Temporary Use Permits

- 3.20. TU 12-1-03, Nova Southeastern University (Love Jen Family Festival), 3301 College Avenue

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- 3.21. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXPRESSING SUPPORT FOR REVISIONS TO BROWARD COUNTY'S EVALUATION AND APPRAISAL REPORT AND SUBSEQUENT CHANGES TO THE BROWARD COUNTY LAND USE PLAN, AS OUTLINED IN THE ATTACHED EXHIBIT "A," TO PROTECT THE ABILITY TO REDEVELOP AND THE HOME RULE AUTHORITY OF MUNICIPALITIES IN BROWARD COUNTY; PROVIDING FOR DISTRIBUTION OF RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Starkey requested that items 3.19 and 3.11 be heard after item 5.5. Councilmember Paul requested that items 3.14 and 3.18 be removed. Mayor Truex requested that item 3.21 be removed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda without items 3.11, 3.14, 3.18, 3.19, and 3.21. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.11 This item was approved later in the meeting.

3.14 Councilmember Paul congratulated the Junior Achievement on its accomplishments. She advised that at the School Board meeting the previous day, a unanimous vote mandated that 44,000 students would go through the institute annually. She stated that the Junior Achievement Board had instructed the Junior Achievement Director to ask Dr. Holcomb to defer his offer of five acres of the BCC North Campus site, in order to give Junior Achievement more time to secure a commitment for the Davie site. Councilmember Paul explained that the Junior Achievement needed five acres for this project to go through, and was looking for a site on the BCC North Campus.

Vice-Mayor Starkey took issue with this concept as she felt the site was not secured for Junior Achievement. She was concerned about securing permanent classroom space within the Town. Vice-Mayor Starkey felt the Town should go back to the School Board requesting that the Board look into adding classroom space for the Town.

Councilmember Paul advised that the project was not a School Board project but rather a Junior Achievement project. She indicated that the proposed property was not large enough for a school and was within the confines of the South Florida Education sector's property. Councilmember Paul added that the property was already off the tax roll.

Councilmember Paul stated that Dr. Hanbury and Nova Southeastern University (NSU) regarded the Junior Achievement program as part of its master plan. She felt it was vital for the health of the program that Junior Achievement secures a site and added the central location of the NSU campus was more appropriate for the program. Councilmember Paul was concerned that Council did not know which part of the NSU campus was being proposed as a site for the Junior Achievement program.

Dr. Hanbury spoke about NSU's efforts with Junior Achievement to locate a site within the NSU campus. He advised that it would be "on no tax exempt property not already included in the South Florida Educational Center."

Vice-Mayor Starkey stated she would feel more comfortable with language added to reflect that all five educational institutions would work collaboratively on this project. Councilmember Paul suggested amending language in Section 4 of the resolution to read, "...based on the collaborative effort of all five educational institutions at the South Florida Education Center..." She agreed to add a new Section 4, stating the names of the three other institutions, to address Vice-Mayor Starkey's concerns.

Mayor Truex asked Mr. Willi about the rights-of-way and asked if the Town would own the roads on NSU's campus. Mr. Willi indicated that the Town would still be maintaining rights-of-way on the campus.

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Mayor Truex asked what the Town's responsibility would be with regard to Junior Achievement. Councilmember Paul advised that Junior Achievement was building a campaign to raise funds for the project.

Mayor Truex stated he was in favor of the program but requested to add language reflecting that it was subject to Council's approval of the plan.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve subject to adding a new Section 4 with amended language stating, "based on the collaborative effort of all five educational institutions that make up the South Florida Education Center – Nova University, Broward Community College, University of Florida, Florida Atlanta University, and Broward County Schools," and subject to changing Section 4 to 5, changing Section 5 to 6, and subject to adding language to reflect that the program was subject to Council's approval. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

3.18 Councilmember Paul questioned Jay Evans, representing the applicant, about proposed drainage improvements. Mr. Evans advised of the drainage improvements planned. Councilmember Crowley had concerns about drainage problems. He advised that he had met with Mr. Evans' engineer, who agreed to improve street drainage on 148th Avenue. He stated that the engineer also agreed to take the pipe from the west property line to 27th Street.

Councilmember Paul was hesitant about vacating the 60-foot canal easement on the east side. She was concerned that in the future, residents would make changes to the property to combat drainage problems. Councilmember Crowley spoke about other drainage concerns.

Mayor Truex asked how Council could be sure it would not run into future drainage problems as in previous cases on other developments. Councilmember Crowley indicated that Mr. Evans was dedicating an easement over the whole backyard of the site, so residents could not fill drainage easements. Mayor Truex asked if staff had any concerns on this item. Mr. Willi stated that the Town could not police the activities of individual property owners and felt this was a delicate issue for the Town. Councilmember Crowley suggested that residents should approach the Drainage Commission first to see what it approved.

Vice-Mayor Starkey spoke about the Know the Flow program to keep more storage capacities for storm water runoff in easements.

Mr. Evans indicated that this project met the flood plain encroachment criteria for the district. He advised that the applicant would be submitting a package to the district and that the applicant had no problem with Council holding off on this item until that time.

Councilmember Crowley spoke about severe flooding in this area after Hurricane Irene. Mr. Evans indicated where drainage would be provided on site. He felt the project went above and beyond what was called for.

Attorney Andre Parke asked if the Town could enter into an interlocal agreement with the Drainage District which would give the Town some input and avoid going through code enforcement procedures. Councilmember Crowley advised that the Town could work with the Drainage District.

Councilmember Paul spoke about stipulations in the homeowners' association documents, stating that homeowners could not use fill on the property. She asked that if this plan went to the Drainage District first, it may alleviate the need for such stipulations. Councilmember Paul requested that this be part of the sales pitch of the seller.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to March 17, 2004. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

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3.19 This item was tabled later in the meeting.

3.21 Director of Development Services Mark Kutney gave a brief synopsis of a resolution which allowed the Town to enter into contracts with consultants wanting to assist a coalition of six cities with respect to Evaluation and Appraisal Report (EAR) concerns. He indicated that the resolution included policy statements of the EAR Coalition. Mr. Kutney advised that Section 3 needed to be corrected to reflect that the proper title for Administrator of the Planning Council was Executive Director.

Vice-Mayor Starkey spoke about concerns she had with Section 5.12 of the resolution. She pointed out the language indicated that Broward County's assessment of Regional Activity Center's (RAC's) was that they represented too much redevelopment. She stated that the Town had already established its goals with regard to NSU and she did not want anything within the resolution to take away what the Town was already doing. Mr. Kutney indicated that additional RAC's were being discouraged. He stated that many local cities were not happy with the RAC designation.

Vice-Mayor Starkey was concerned about protecting language with reference to the Town. She felt that by bringing this before the Planning Council, the County would include its own language. Vice-Mayor Starkey suggested that on page 5.12, the third paragraph, second line be amended to state that "County staff suggests..." She stated that she wanted to protect the Town's land use authority.

Mayor Truex asked Mr. Kutney about language with regard to the County Commission's compatibility review requirements. He asked what the objective of the resolution was. Mr. Kutney indicated that the County's past efforts had regulated and eroded the cities' usage of flexibility units. He felt the resolution strengthened the cities' rights to use flexibility units.

Mayor Truex indicated he was opposed to this request, because he did not care for the concept of using flexibility units and was not in favor of making it easier to use them. Mr. Leiva indicated that the coalition wanted to see the County do away with stricter regulations for specific sites and jurisdictions, subject to cities using master plans.

Vice-Mayor Starkey pointed out that by changing to municipal boundaries, flexibility units would not be kept in the flex zones. Mr. Leiva explained that the goal was to ask the County to streamline the land use application process.

Mayor Truex indicated that he did not want the process streamlined.

Councilmember Crowley felt more time was necessary to review and decide on this item.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to table to February 4, 2004. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

5. PUBLIC HEARING

Ordinances - Second and Final Reading

2004-3 5.1. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
APPROVING REZONING PETITION ZB 9-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND AG, AGRICULTURAL DISTRICT TO OPEN SPACE OVERLAY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-03, Southern Homes of Davie V, LLC/Keith and Ballbe, Inc., 3151 SW 154 Avenue) *Planning and Zoning Board recommended approval with the caveat that there be no exit on SW 28 Street and that the entrance and exit be on Shotgun Road only* {**Approved on First Reading January 7, 2004 - all voted in favor**}

Town Clerk Muniz read the ordinance by title.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Parke indicated that the homeowner's association documents should incorporate the agreement approved of by the Town Attorney's Office, which allowed the Town to maintain oversight and authority over open space areas.

Planning Supervisor Marcie Nolan indicated that the developer's agreement addressed Council's concerns at the previous meeting and added that staff was satisfied.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve subject to inclusion of additions, corrections and statements recommended, and the agreement for the oversight of the open space site by the Town. In a roll call vote, with Councilmember Hubert absent, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 4-0)

2004-4 5.2. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 7-1-03, VACATING THAT PORTION OF THE ROAD EASEMENT ON THE NORTHSTAR PLAT LOCATED AT THE EASTERN TERMINUS OF SW 23 STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-03, Artistic Development Corp, 2276 Lynx Avenue) *Planning and Zoning Board recommended approval {Approved on First Reading January 7, 2004 - all voted in favor}***

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Town Engineer Larry Peters advised that the applicant requested to vacate a portion of the easement for a future cul-de-sac at the end of 23rd Street. He advised that the location of the area to be vacated was the double cross hatched area only.

Mayor Truex closed the public hearing.

Councilmember Crowley advised that he had received an e-mail from Linda Greck pointing out this discrepancy. Vice-Mayor Starkey disclosed that Ms. Greck had also e-mailed her on this item.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, with Councilmember Hubert absent, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 4-0)

Resolutions

R-2004-21 5.3. **GRANT REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SUBMISSION OF A COMMUNITY BUDGET ISSUE REQUEST (CBIR) TO THE FLORIDA LEGISLATURE TO REQUEST FUNDING FOR THE PUBLIC SAFETY COMPLEX ACCESS ROAD. (\$160,000)**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Kiar pointed out that a review of the resolution request was for \$160,000, whereas the staff report indicated the request was for \$60,000. Mr. Willi advised that this was an error and that the correct request was for \$160,000.

Vice-Mayor Starkey indicated she was pleased to see this item move forward. She indicated that she thought the original plan was to build the PE Shelter further to the south. Vice-Mayor Starkey spoke about concerns regarding putting up a fence and hedge because of the proximity to the playground.

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Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, with Councilmember Hubert absent, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 4-0)

- 5.4. **APPROPRIATION APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR WATER PROJECTS FUNDING THROUGH THE 2004 LEGISLATIVE APPROPRIATIONS PROCESS AND AUTHORIZING PARALLEL SUBMISSION OF THE PROJECT AS A COMMUNITY BUDGET ISSUE REQUEST. (\$200,000)**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, with Councilmember Hubert absent, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 4-0)

Ordinances - First Reading/Quasi Judicial Items (Second and Final Reading to be held February 4, 2004)

- 5.5. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (BROWARD COUNTY) TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-2-03, Indian Ridge Commerce Center, 10220 SW 101 Road) (tabled from December 17, 2003) *Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced that there would be a public hearing on this item on February 4, 2004. Mr. Kiar read the rules of the Quasi-Judicial hearing and swore in the witnesses. Mr. Leiva read the planning report.

Mr. Kiar opened the public hearing portion of the meeting..

Fernando Estrapel, representing the applicant, spoke about the positive attributes of the project and indicated that the applicant was trying to comply with the Town's standards as much as possible. He pointed out that the building was not a warehouse but was three-dimensional with components of an attractive office building. Mr. Estrapel advised that the building complied with all B-3 zoning requirements.

Mr. Kiar closed the public hearing.

Councilmember Paul asked if the part of the building facing the highway would have any architectural detail, along with the landscaping. Mr. Estrapel advised that it would have glass windows all around. He felt the applicant exceeded the landscaping requirements.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve item 3.11. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

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Vice-Mayor Starkey indicated that she would be voting against the project as she was opposed to warehouses.

Councilmember Crowley made a motion, seconded Councilmember Paul, to approve item 5.5 subject to staff recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 3-1)

Councilmember Crowley made a motion, seconded Councilmember Paul, to table item 3.19 until February 4, 2004. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

- 5.6. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES AND B-3, PLANNED BUSINESS CENTER DISTRICT TO RAC-AV, REGIONAL ACTIVITY CENTER – ACADEMICAL VILLAGE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-04, Nova Southeastern University, 3301 College Avenue) *Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting and advised that there would be a second public hearing on this item on February 4, 2004. Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of the Quasi-Judicial hearing and swore in the witnesses.

Mr. Kutney summarized the application.

Dr. Hanbury, representing NSU, spoke about the merits of rezoning the project and advised that NSU had been meeting regularly with concerned residents in the area for several years. He stated that he had met the previous night with about 25 residents to address their concerns and indicated that most residents on 36 and 37th Streets were not contiguous with the property to be rezoned. Dr. Hanbury stated that NSU had kept promises made to the residents, especially with respect to the beauty of the landscaping.

Joe Cimino, 7480 SW 37 Court, stated that he had no opposition to the site plan, but wanted assurance that after the rezoning was approved, NSU would build the road it agreed to build.

Debra Colabella stated she and other residents were happy with the manner in which NSU worked with the community. She spoke in favor of the project as long as the representations made by NSU were kept. Ms. Colabella opposed NSU's use of Fort Lauderdale, versus Davie, as the mailing address for the university and the RAC.

Joe Cozner, 4451 SW 77 Avenue, was concerned about the height of the 150-foot building.

Dr. Hanbury spoke about the mailing address and indicated that the name recognition of Fort Lauderdale helped NSU attract students unfamiliar with Broward County. He felt that the purpose of the RAC was to centralize development and facilitate mass transportation and therefore, the increased height was necessary. Dr. Hanbury suggested using a combination of the two cities and indicated that he would approach his board with this issue.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Mayor Truex.

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Vice-Mayor Starkey advised that she had spoken with Dr. Hanbury, most of the staff of the Community Development Council and residents, who were largely in support of this project. Mayor Truex advised that he had spoken with Dr. Hanbury, Mr. Santini, Mr. Turturro and other residents on this item. Councilmember Crowley advised that he had spoken with Dr. Hanbury.

Mayor Truex stated that he was in favor of the academical village but felt that the 150 foot height was too high. He spoke of future repercussions that may affect the Town when some residents realized how high the building would actually be. Vice-Mayor Starkey indicated that she was also concerned with height, but stated that after further research, she was

more comfortable with it. She further expressed her desire to see the buildings staggered and to have the hometown community feel preserved. Councilmember Crowley indicated that if the height was proposed anywhere else but at the educational center, he would be opposed. He spoke in support of the project. Councilmember Paul suggested making comparisons against other neighboring buildings to help residents have a better visual idea of the proposed building.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey to approve. In a roll call vote, with Councilmember Hubert absent, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 3-1)

Mayor Truex asked if Rolling Hills wished to have a meeting, that the meeting be scheduled as a public meeting. Mr. Willi responded in the affirmative.

Items to be tabled or withdrawn

5.7. **STAFF REQUESTING TO BE TABLED TO FEBRUARY 18, 2004**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 19, 2003)

This item was tabled earlier in the meeting.

5.8. **WITHDRAWN BY STAFF**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14501 Orange Drive) (tabled from December 3, 2003)

This item was withdrawn earlier in the meeting.

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5.9. WITHDRAWN BY STAFF

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14901 Orange Drive) (tabled from December 3, 2003)

This item was withdrawn earlier in the meeting.

6. APPOINTMENTS

6.1. Airport Advisory Board (one exclusive appointment - Councilmember Hubert; term expires December 2004)

No appointment was made.

6.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

6.3. Community Relations Advisory Board (one exclusive appointment - Mayor Truex and Councilmember Paul; terms expire April 2004)

Mayor Truex appointed Sandra Amaya.

6.4. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

7. OLD BUSINESS

7.1. Corridor Appearance Study

Mr. Willi advised that this item concerned a work in progress by staff in response to Councilmember Paul's previous request to research ways to make the Town's corridors more visually appealing.

Ms. Nolan advised that staff was beginning a comprehensive corridor study to address current uses and possible enhancements of corridors. She gave a presentation on Flamingo Road and advised that staff had come up with a three-part strategy, which included: 1) applying for grants; 2) identifying specific projects Council wanted put in the CIP, and implementing those plans; and 3) working with partners, such as the Nursery Grower's Association or other groups with an interest in enhancing the image of certain Town corridors. Ms. Nolan advised that staff's short term strategy was to initiate a conversation with Central Broward, to do informal corridor studies. Some mid-term strategies included rewriting the sign code, developing a design manual with landscaping guidelines, improving lighting, and establishing a theme at two strategic entrances to Davie, located on Flamingo Road. Other recommendations included enhancing the median and equestrian crossings. The suggested long term five-year strategy would be to create a greenway corridor that tied into a County corridor.

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Vice-Mayor Starkey suggested establishing a design to be used in Welcome To Davie entrance signage. Ms. Nolan indicated that staff and the landscaping committee had brainstormed ideas to create a natural, vegetated corridor to create park-like settings at the northern and southern entrances.

Councilmember Paul stated she was pleased with Ms. Nolan's presentation and the brainstorming session done by staff and the landscaping committee. She liked the idea of the farmer's market and felt the corridor improvements could be tied into the Comprehensive Plan.

Vice-Mayor Starkey asked if Council could look into an impact fee to pay into improving scenic corridors throughout the Town. Ms. Nolan indicated that it was getting more competitive for the Town to apply for funds. Vice-Mayor Starkey wished to see some way to enhance the ability to keep as much nursery land as possible along the corridor.

Councilmember Crowley voiced his approval of staff's presentation. He asked whether the equestrian trail would be on the west side of the canal. Vice-Mayor Starkey advised that the original study of greenways and trails did have the trail on the west side of the Flamingo Road corridor. Councilmember Crowley stated he was in favor of moving forward on this item.

Councilmember Paul suggested approaching the Agricultural Advisory Board for their input with regard to nurseries.

Mr. Kiar asked what traffic calming devices were being considered. Ms. Nolan indicated that this was a Department of Transportation road and as long as the Town could justify an existing level of service that matched the current road capacity, DOT would allow the Town some creative latitude. She indicated that the Town could actually create larger islands, as long as the service on the road remained consistent.

Mayor Truex spoke about nurseries and felt Council should get involved in efforts to help nurseries stay for the long term. He suggested a PDR as a solution to help encourage the nurseries to stay. Mayor Truex voiced his appreciation for the presentation done by staff. Ms. Nolan indicated that the Town's Land Trust would hopefully be in place by the end of the fiscal year and this trust would potentially be able to help the nurseries. Mayor Truex suggested working together to approach the County Commission for financial assistance to help the nurseries. Councilmember Paul indicated that the Town needed to develop working partnerships with the nurseries and owners of agricultural land.

7.2. Public Works Maintenance Building Options (Councilmember Crowley)

Earlier in the meeting, Public Works/Capital Projects Director Bruce Bernard spoke about the meeting that was held with the residents regarding problems with the maintenance garage and discussed three alternatives that had been proposed. He advised that the Town chose the alternative to install a berm 30 inches high off the pavement, to add Areca palm trees which would grow to a 14-foot high screen, and to install fencing along the 700 feet of the property. He advised that the garage would not be open on weekends and would only be open from 7:00 a.m. to 5:00 p.m.

Councilmember Crowley advised that several residents were present to speak on this item.

Patricia Argento, 6830 SW 43 Street, complained about the eyesore and construction equipment noise at 5:00 a.m. She requested some kind of sound barrier. Mr. Bernard indicated that there was no construction at that hour but indicated that the noise was probably coming from tow trucks dropping off vehicles.

Glenn Smith, 6830 SW 43 Street, spoke about noise at 5:00 a.m. and dirt caused by the construction. He did not feel that Areca palms would work as an effective sound barrier.

Rick Keiser, 6821 SW 43 Street, spoke about a beeping noise generated at the site at 5:30 a.m. He asked Council to help mitigate the noise.

Ann Porterfield, 6831 SW 43 Street, asked Council to build a large cinder block wall to mitigate the noise.

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Lee Stevens, 6841 SW 43 Street, wanted Council to mitigate the noise and the sound pollution. He was concerned about his property value, and asked if the Town could put some photos together and do a study of the sound and light, to present to residents.

Joe Burwell, 6800 SW 43 Court, spoke against this item.

Earl Savar, 6821 SW 44 Street, felt Council should treat this project as they would treat any other developer, who would be required to put up a wall. He felt Council should listen to the residents.

Bob Martinez, 6838 SW 45 Court, felt that an eight to ten foot cinder block wall would provide the best visual and noise mitigation.

Councilmember Paul asked what the highest berm was that could be placed with the space currently allotted. Mr. Bernard indicated four feet.

Mayor Truex felt staff should go back to the drawing board and come up with a plan to erect a sound wall for the residents.

Vice-Mayor Starkey wanted to see better trees than Areca palms that would add some color and better landscaping.

Councilmember Crowley was in favor of an eight-foot wall and wanted landscaping on the eastern side of the wall. He asked Mr. Bernard if the lighting would be addressed. Mr. Bernard indicated in the affirmative. Councilmember Crowley asked about the difference between the pre-cast wall and the cinder block wall. Mr. Bernard indicated they were about the same.

Council discussed this item further and gave direction to have another community meeting.

8. NEW BUSINESS

There was no new business to be discussed.

9. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

AWARD. Councilmember Crowley advised that he was honored by the Davie Merchant's Association with the Third Annual Leadership Award. He thanked the Association members for the recognition.

COUNCILMEMBER PAUL

STATE ROAD 7/441. Councilmember Paul spoke about her work with the State Road 7/441 collaborative. She indicated that she had attended a meeting the previous week and had turned over information to Mr. Kutney for review.

EAST-WEST TRANSIT. Councilmember Paul advised that she had met with the FDOT earlier in the week on the Central Broward East-West Transit Analysis. She felt Council should be aware of two proposed plans that would bring bus service and a possible light rail coming down I-595. Councilmember Paul suggested that Council might want to do a resolution, stating Council's position prior to this item coming up before the Metropolitan Planning Organization in March. Councilmember Paul requested adding this item to the next meeting's agenda and that Council look into a resolution on this item.

Vice-Mayor Starkey felt the transit plans should be reviewed incrementally and not all at once.

ORANGE BLOSSOM PARADE. Councilmember Paul mentioned that applications for the Orange Blossom Parade were available.

MAYOR TRUEX

AIRPORT EXPANSION. Mayor Truex asked about the format for the airport workshop meeting to be held the following week. Mr. Willi indicated that the Town's consultant, Neal McAliley, would be providing a presentation at the meeting. Mayor Truex asked that elected officials from Hollywood and Dania Beach be invited to the workshop.

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Vice-Mayor Starkey felt it was important for everyone to realize that even though the County Commission took a different position on the airport expansion than the Town, Davie still had its original resolution. She stated that based on that information, the Town had not decided on one runway over another, as it was difficult to split neighborhoods. Vice-Mayor Starkey felt there was some misinformation on this item and advised that the Council had not yet taken any other position.

Mr. Willi advised that based on his meeting with Mr. McAliley the previous week, there should not be any panic, as the issue required a long, extensive time frame to be resolved. He advised that the County had to meet several thresholds set by the FAA and that there was some doubt whether the County's conditional approval would be approved by the FAA.

Vice-Mayor Starkey spoke about mixed flight tracks over specific corridors and indicated that there were several complaints from residents in her neighborhood about bigger jets coming in. Mr. Willi advised that flight tracking was an issue to be explored much further down the road. Vice-Mayor Starkey suggested asking Mr. McAliley to come up with some ideas about what the Town could do to bring flights away from residential communities.

Councilmember Paul suggested giving some directions to residents not to panic and start selling their homes as they could be taken advantage of.

10. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

11. TOWN ATTORNEY'S COMMENTS

No comments were provided.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:50 p.m.

Approved _____

Mayor/Councilmember

Town Clerk